

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RICHARD EARL BROWN)
Plaintiff,) Case#: 4:21-cv-00499-JMB
v.)
KEVIN M. BARONI)
Defendant.)

DEFENDANT KEVIN BARONI'S MOTION TO STAY PROCEEDINGS

COMES NOW Defendant, Kevin Baroni (hereinafter "Defendant"), by and through counsel and respectfully requests this Court issue an Order staying this civil action pending final resolution of the criminal prosecution pending against him. In support of this motion, Defendant states as follows:

1. On November 2, 2020 an Information was filed in the Twenty Second Judicial Circuit for the State of Missouri charging Defendant with one count of Kidnapping in the 3rd degree and one count of Stealing (*State of Missouri v. Kevin M Baroni*, Cause No. 2022-CR01842). Specifically, Count 1 of the Complaint alleges that on or about November 5, 2019, Defendant knowingly restrained Plaintiff Richard Earl Brown (hereinafter "Plaintiff") unlawfully and without his consent. Count II alleges Defendant appropriated more than one hundred dollars in currency from Plaintiff with the purpose of depriving him thereof. A genuine and authentic copy of the Information is attached hereto as **Exhibit A**.

2. These charges remain pending.

3. On February 4, 2021, Plaintiff filed suit against Defendant in the 22nd Judicial Circuit Court, State of Missouri, in *Richard Earl Brown v. Kevin M. Baroni*, Cause No. 2122-CC00279. Plaintiff's Petition asserts violations of his civil rights under 42 U.S.C. §1983, §1988 and the Fourth Amendment to the United States Constitution. Specifically, Plaintiff alleges on or about November 5, 2019, Defendant, an off-duty police officer, illegally detained him and stole \$220 from him.

4. Defendant removed the lawsuit to this Court on April 29, 2021.

5. The criminal prosecution and the claims alleged in this matter arise out of the same facts and involve identical issues and witnesses.

6. Defendant will suffer substantial, irreparable harm if this case proceeds and he is forced to choose between asserting and preserving his constitutional right against self-incrimination and defending himself in this matter by responding to discovery and testifying.

7. Defendant incorporates by reference the accompanying memorandum in support of his motion to stay.

WHEREFORE, Defendant Kevin Baroni, respectfully requests that this Court issue an Order staying this case pending the final resolution of the state criminal prosecution now pending in the Associate Circuit Court for the City of St. Louis and for any and other further relief as the Court deems appropriate and necessary.

Respectfully submitted,

MILLIKAN LAW OFFICE, LLC

By:

/s/ Brian P. Millikan

Brian P. Millikan, #50900MO

12180 Old Big Bend Road

Kirkwood Missouri 63122

(314) 621-0622 (Telephone)

(866) 640-0289 (Telefacsimile)

bmillikan@millikanlaw.com

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

Certificate of Service Signature of the foregoing is also certification that the foregoing was filed electronically with the Clerk of the United States District Court for the Eastern District of Missouri to be served by operation of the electronic filing system upon the parties of record, this 6th day of May, 2021.

/s/ Brian P. Millikan